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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,263	12/27/2000	Masahiro Tada	04329.2485	4763

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EXAMINER

DAVIS, TEMICA M

ART UNIT PAPER NUMBER

2681

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,263

Applicant(s)

TADA, MASAHIRO

Examiner

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/27/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,10,15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 9, 11 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

2. The indicated allowability of claims 2-8, 13 and 14 is withdrawn in view of the newly discovered reference(s) to Lillie et al (Lillie), U.S. Patent No. 6,400,961. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lillie.

Regarding claims 1, 7, 11 and 13, Lillie discloses the apparatus/method in which a communication channel and a control channel are exclusively assigned

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to a radio communication resource to be used, said apparatus comprising:
means for executing data transmission/reception using the communication channel; means for executing a control procedure required for establishment of a radio link using the control channel means for monitoring a traffic of the communication channel; and means for dynamically controlling an execution timing or execution time interval of the control procedure on the basis of the traffic detected by said monitoring means (col. 1, line 66-col. 2, line 4, col. 3, lines 15-51 and col. 4, line 61-col. 5, line 42).

Regarding claims 2, 8, 12 and 14, Lillie discloses the apparatus/method according to claims 1, 7, 11 and 13 wherein said control procedure includes a procedure of transmitting a terminal search message for searching for a terminal in a communication zone and acquiring information necessary for connection, and said control means dynamically controls a transmission timing or transmission time interval of the terminal search message on the basis of the traffic detected by said monitoring means (col. 5, lines 20-42).

Regarding claim 3, Lillie discloses the apparatus according to claim 2, wherein said control means inhibits periodical transmission of the terminal search message if the traffic detected by said monitoring means exceeds a predetermined value, and permits transmission of the terminal search message only when establishment of a radio link is requested by a user application (col. 5, lines 10-20).

Regarding claim 4, Lillie discloses the apparatus according to claim 1, wherein said control procedure includes a terminal search wait procedure for

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detecting a terminal search message transmitted from a remote terminal to search for a terminal and responding the message, and said control means dynamically controls execution time interval of the terminal search wait procedure on the basis of the traffic detected by said monitoring means (col. 5, lines 10-20).

Regarding claim 5, Lillie discloses the apparatus according to claim 1, wherein said control procedure includes a connection establishment request wait procedure for detecting a connection establishment request message transmitted from a remote terminal, and said control means dynamically controls execution time interval of the connection establishment request wait procedure on the basis of the traffic detected by said monitoring means (the connection establishment request is being read on the searching of available systems) (col. 5, lines 20-42).

Regarding claim 6, Lillie discloses the apparatus according to claim 1, wherein said control procedure executes one of a terminal search mode, a terminal search wait mode, and a connection establishment request wait mode, and said control means dynamically controls an execution timing or execution time interval of at least one of the terminal search mode, the terminal search wait mode, and the connection establishment request wait mode on the basis of the traffic detected by said monitoring means (col. 5, lines 20-42).

Allowable Subject Matter

5. Claims 9, 10, 15 and 16 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to suggest or render obvious dynamically

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controlling an execution timing or execution time interval of transmission
processing of a terminal search message for searching for a remote terminal or
terminal search wait processing for detecting the terminal search message and
responding to the message on the basis of a detection of residual battery
capacity.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Faber, U.S. Patent No. 6,463,046.

Ito, U.S. Patent No. 6,345,039.

Bi et al, U.S. Patent No. 6,438,380.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached Monday-Friday (alternate Fridays) from 9:00am-3:00pm.

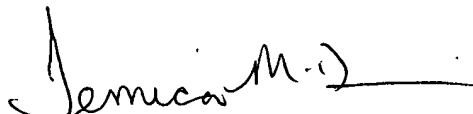
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis
Examiner
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April 19, 2004


TEMICA M. DAVIS
PATENT EXAMINER